IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 13496 of 2007(F)

PETITIONER:

SHEREEFA, AGED 50 YEARS, W/O.VASU,
D/O.HANEEFA, VAZHAPPULLY HOUSE, NELLUVAYI
VILLAGE, ERUMAPETTY P.O., THRISSUR.

BY ADV. SRI.RAJIT

RESPONDENTS:

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1. THE SALE OFFICER, SPECIAL SALE OFFICER,
THE COCHIN CO-OPERATIVE AGRICULTURAL
DEVELOPMENT BANK LTD. NO.329, THRISSUR.

2. THE COCHIN CO-OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK LTD.NO.329,
THRISSUR, REPRESENTED BY SECRETARY.

R1 BY GOVT. PLEADER SRI. P.N. SANTHOSH.
R2 BY SC SRI. T.R. HARIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 13496/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 1ST RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.13496 of 2007

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Dated this the 23rd day of May, 2007

JUDGMENT

Petitioner challenges Ext.P1, which is a proceeding under Section 19 of the Act for effecting sale of the property of the petitioner pursuant to the recovery proceedings taken by the Bank.

2. Heard counsel for the petitioner and the respondents.

3. The prayer of the petitioner is for a direction to the respondent to extend the benefit of one time settlement scheme. It is pointed out by counsel for the second respondent that the said facility may not be available to the petitioner now. Petitioner then submits that he may be permitted to pay off the amount in instalments. An interim order was passed on condition that the petitioner pays Rs.30,000/-. In such circumstances the writ petition is disposed of as follows:

If the petitioner has already paid Rs.30,000/- pursuant to the interim order, the petitioner is permitted to pay off the balance amount remaining to be paid in four equal monthly instalments, the first of which shall be payable on or before 15.6.2007. The last instalment

should be such that results in wiping off the entire liability. In case the petitioner has not paid the amount pursuant to the interim order, the petitioner is permitted to pay off the balance amount in six equal monthly instalments, the first of which shall be payable on or before 15.6.2007. If the petitioner continues to pay the amount in instalments, the proceedings shall be kept in abeyance. If the petitioner however does not pay the instalments as aforesaid, it will be open to the Bank to proceed against the petitioner for recovery of the amount in accordance with law.

(K.M. JOSEPH, JUDGE)

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